

Responses to OC Phase-Out Questions

1. Is the Probation Department implementing the elimination plan released in June 2019, and if so, what phase are you in and when did you start that phase?

Yes, the Department intends to complete the elimination plan released in June 2019. The Department began Phase I of the training plan in late Fall of 2019. Probation suspended the block week for OC Phaseout in March 2020, completing the training of 125 out of 900 (14%) Detention Services staff, supervisors, and managers.

2. What is the timeline for training and phase-out in the facilities including the date when OC spray will be fully eliminated from the halls?

Training can commence once we have approval from the DOJ and finalize all curriculum. This approval will guide the implementation as well as the amount of time that will be needed to complete full training and elimination.

3. What obstacles, if any, have you encountered to implementing the plan and how can they be addressed and by whom?

Some of the most significant obstacles are listed below and will take the coordinated and combined efforts of several County and non-governmental partners to implement. Examples of these barriers include but are not limited to:

- **DMH currently assesses and provides treatment to stabilized youth, and will need to shift to responding to emergent crises**
- **Crisis Stabilization Units are needed to implement Lanterman, Petris, Short (LPS) type psychiatric services for acute mental health needs.**
- **Oversaturation of funding for arts but not social-emotional development, healing/restorative justice, reparation, occupational and recreation therapy, substance abuse, jobs, career technical education**
- **Lack of funding for programming. Probation is codified to provide safe, secure detention, other departments are codified to provide mental health, health, education, yet revenue from those departments is needed.**
- **Lack of Infrastructure funding, costs of renovations to older facilities will be significant**
- **Information Technology not up to date, requires staff to spend too much time recording mandated information rather than working with youth**

- **Professional Development and quality assurance of credible messengers (community outreach, street interventionists) needed**
 - **Education resources/funding/space are not available for graduated youth specifically for career technical education.**
4. The plan submitted in 2019 came with a budget request--is that specific request still relevant/needed?

The current staffing budget would need to be maintained as the reduction in population has created an opportunity to be at the requested 1:5 ratio needed for successful OC elimination.

If you believe probation needs an additional budget allocation, please provide a breakdown of the expenses. Specifically, is the department requesting that staff ratios be maintained or increased?

Per the plan, recommended staff to youth ratios to eliminate OC spray are 1:5 in the day and 1:12 at night, but in FY 2019-20, staff to youth ratios in the halls were 1:6. It is advisable that current staffing be maintained, and augmented slightly to get to 1:5 in the daytime and 1:12 at night.

5. In determining the staffing ratios you think are needed, have you considered diversified staffing like what has been discussed in the JJCC RBG Subcommittee? For example, have you considered hiring additional staff who are not sworn probation officers to meet the 1:5 ratio included in the plan (which currently requests more DPOs)?

Per the California Code of Regulations (CCR) only peace officers (penal code 6035, 830.5, and welfare and institutions code 209, 885, government code 1029-1031) can supervise wards of the court and submit court reports and be included in the staffing ratios. Per Title 15, which aligns with Government Code 1029-1031, juvenile detention facilities must adhere to the minimum standards for the selection and training requirements adopted by the Board pursuant to Section 6035 of the Penal Code: and conduct a criminal records review, on each new employee, and psychological examination in accordance with Section 1031 of the Government Code.

The Department concurs with hiring positions for non-supervising roles including providing programming, such as Community Health Workers (including those with lived experience).

6. The plan emphasizes the need for positive youth programming. What proactive steps have you taken to increase the quantity and quality of programming provided and what types of programming have you pursued or plan to pursue?

The County Code and fed/state claiming requires certain funds (child welfare, mental health, substance abuse) to go through the administrative agencies codified in the Code of Regulations (ex. Education Code for LACOE, Title IV for DCFS, MHSA, EPSDT through DMH). While Probation youth are accounted for in the claims, these funds do not go directly to the department for Probation youth. Revenue for Juvenile Justice is generally restricted to providing a safe/secure environment, and very little for programs and services.

Other needs not funded through juvenile justice:

- **Housing for youth that do not meet child welfare eligibility**
- **Education, vocational (CTE) training for graduates**
- **Sex Offender Treatment**
- **Occupational and Recreation Therapy**
- **Physical Fitness**
- **Residential Substance Abuse**
- **Residential Mental Health Housing**

7. **Has the Policy and Training Development Team been convened, and if so, have youth been included? (Youth councils were mentioned in the plan.)**

The Policy and Training Development Team has not formally convened, but we are collaborating with LACOE, DMH, and JCHS on integrated training. We have had the UCLA Center of Excellence train Probation managers and our partners on building a trauma-informed system of care and secondary trauma.

Probation's Policy Unit has been working with DOJ to revise its policies, including our Use of Force policy. Once we receive final approval from the DOJ, the OC Phase Out training plan will be merged with the DOJ training plan to include much of the same training content that was called for in the OC Phase Out plan.

The Policy Unit continues to take the lead in manual and policy revisions, a cross-section of Probation managers and external stakeholders will convene to review and approve various policies. Youth Councils have not yet been engaged in this process.

8. **Does the current plan to eliminate OC spray apply only to custody facilities? (In other words, will it still be authorized by field personnel such as AB109, Armed Units and SEU?)**

Yes. It only applies to custodial facilities. There has been no discussion about phasing it out in our Adult Field operations or Special Enforcement Operation.

9. What will be the alternatives to OC spray in the halls in the event de-escalation doesn't work?

Per policy, staff will still have the options to engage in a series of de-escalation techniques that may include, but are not limited to: requests for compliance, discussion and counseling, officer presence, DMH assistance, switching officers, secluding the situation, requesting supervisory or shift leader assistance, split group programming, etc. If these attempts fail, then progressive physical interventions (using objectively reasonable standards) can be used to ensure youth and staff safety.

10. What have other probation departments done in their juvenile custody facilities to handle situations without OC spray when de-escalation is either not practical for safety reasons, such as fight or disturbance underway, or when de-escalation fails?

An informal query of various counties that do not currently use OC Spray (San Mateo, Solano, Napa, Marin, Santa Cruz, and Santa Clara show that each utilizes similar tactics for de-escalation and physical restraining youth when there fights or disturbances. Some would utilize the services of the local sheriff's department if they could not contain the situation.

11. Who will provide the training to Probation employees in these alternatives and what does the training consist of? What are the certification standards for the alternatives (POST, BSCC, other?)

The Staff Training Office has experienced physical intervention who teach prevention, de-escalation, and physical intervention techniques. We currently teach Safe Crisis Management, which is focused on preventing and managing crisis events. Probation has added additional defensive tactics to the Safe Crisis Management curriculum to help ensure that our personnel can defend themselves from physical assault.

12. How will a large incident such as a mini riot or large-scale fight be handled without OC?

These would be handled much the same way in which they have been handled at Probation Camps (that do not have OC spray available). All available staff will be deployed to the incident location and begin de-escalation and separation and utilize physical interventions if necessary.

13. Has a draft of a new policy been developed to reflect the phase out of OC spray and if not, by when will it be developed?

OC spray remains in our current physical intervention policy, but it will be removed once we reach the elimination phase of the plan.

14. Will the new policy apply to both Camps and Halls, or be two separate bureau policies?

The new physical intervention policy will apply to both Camps and Halls and will be added to their manuals. We are also in the process of updating our force policies for both Juvenile and Adult Field.

15. What are the policies in use by other Probation Departments with juvenile custody facilities in California and possible across the nation where OC has been eliminated? Have those policies been reviewed for effectiveness?

Policies from many jurisdictions throughout the country have been reviewed. Like our policy, other jurisdictions rely heavily on prevention and de-escalation techniques to mitigate use of force incidents.

16. Will DMH and LACOE have new/different policies and/or roles after the phase out is complete?

DMH and LACOE will provide a response during the presentation.

17. Who will provide de-escalation training to DMH and LACOE and what will that training consist of?

- a. Will training for educators include classroom management specific to the needs of students in the halls and camps?
- b. Will training for DMH include de-escalation for youth who have neurological, emotional, traumatic, or other mental health issues?

Probation and DMH will participate in specific crisis-response training for de-escalation teams, which are made up of Probation and DMH staff. These teams will be called upon to respond to any youth in the institution who may be experiencing a behavioral or mental health crisis.

DMH and LACOE have also received training in non-violent crisis intervention curriculum from the Crisis Prevention Institute (CPI).

Youth Voices: The Devastating Effects of OC Spray

"[Y]ou feel like your body is on fire." —Young person at Camp Smith

"That was terrible. It was a terrible day."
—Young person describing being pepper sprayed **while pregnant** at Camp Scudder

"[I]f you're near it you start coughing and coughing and coughing. And sometimes like you can't breathe. Just you really can't breathe. You can't breathe with it." —Young person at Camp Jarvis

"I felt like an animal in a zoo... I couldn't trust them because they had the power to put me in pain." – K.S., Los Angeles Youth Advocate, describing being sprayed

"As someone who has been pepper spray[ed] myself, I know how traumatic it could be – physically and emotionally and psychologically. I like to compare solitary confinement as being as dehumanizing as pepper spray ... pepper spray is dehumanizing ... because of the fact that it is a tool that, you know, tells kids every time ... that 'you belong in here' and you prepare them for prison. That is what you are doing when you are pepper spraying these kids." – K.M., Los Angeles Youth Advocate

